



09 NOV 2006

Alice O. Carroll  
Hamilton, Brook, Smith & Reynolds, P.C.  
530 Virginia Road  
P.O. Box 9133  
Concord, MA 01742-9133

In re Application of :  
ROSS, Gordon D. (deceased) :  
Application No.: 10/568,261 :  
PCT No.: PCT/US04/26359 :  
Int. Filing Date: 13 August 2004 :  
Priority Date: 13 August 2003 :  
Attorney Docket No.: 3593.100-003 :  
For: EFFECT OF BETA-GLUCAN ON STEM :  
CELL RECRUITMENT AND TISSUE :  
REPAIR :

DECISION ON REQUEST

This decision is issued in response to applicant's "Renewed Submission under 37 CFR 1.42" filed 01 November 2006. No petition fee is required.

**BACKGROUND**

On 13 August 2004, applicant filed the above-identified international application which claimed a priority date of 13 August 2003. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, 13 February 2006.

On 13 February 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; and a preliminary amendment.

On 30 March 2006, applicant filed a declaration executed by the legal representative, Trunetta Jo Dockter Ross. In a decision dated 08 September 2006, applicant's request under 37 CFR 1.42 was refused.

On 01 November 2006, applicant filed the renewed request under 37 CFR 1.42.

**DISCUSSION**

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration filed 01 November 2006 is executed by Trunetta Jo Dockter Ross as the "legal representative" of the deceased inventor, Gordon D. Ross. The declaration provides the residence, post office address, and country of citizenship for the deceased inventor and the legal representative. Therefore, the declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b).

### CONCLUSION

The papers filed under 37 CFR 1.42 are ACCEPTED.

The application has an international filing date of 13 August 2004, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **01 November 2006**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



Anthony Smith  
Attorney-Advisor  
Office of PCT Legal Administration  
Tel: (571) 272-3298  
Fax: (571) 273-0459